

Notice of Allowability

Application No.

09/943,683

Examiner

Thomas M. Ho

Applicant(s)

WATANABE ET AL.

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/21/06.
2. ☒ The allowed claim(s) is/are 1-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

1. The amendment of 8/21/06 has been received and entered.
2. Claims 1-30 are pending.

Reasons for Allowance

3. The Applicant has argued (Section 1, Paragraph 2, page 1):

Aucsmith, et al. discloses decryption using the public key of the issuer. (See col . 12, lines 28-29) Aucsmith et al. dose not disclose or suggest that the public key used to encrypt or decrypt the template stored in the person identification certificate is a different public key depending on the entity which executes authentication of a person as required by claim 1. ‘

The Examiner has considered these arguments and evaluated that Aucsmith et al. teaches as such:

(Column 12,lines 17-34) reveals that the public key is dependent upon the issuer of certificate.

That is, the public key should differ in a manner that is dependent upon the issuer of a certificate.

The issuer of the certificate is disclosed in Column 5, lines 8-25, where examples of the certificate issuer include:

a credit card company, a company issuing an employee identification badge, or a state motor vehicle agency involving a driver's license.

Additionally, Column 12, lines 18- 21) discloses that the authentication process of figure 10, which was recited by the Examiner in the previous rejection discloses that the flow of the process of the certificate authentication occurs in a point of sale terminal.

Thus, with regards to the rejection, the question is raised, does the issuer of the certificate qualify as a point of sale terminal. If the two can be said to be the same entity, that it follows that the public key used to authenticate the certificate is dependent upon the authenticating entity.

After careful consideration, it is the Examiner's position that the point of sale terminal cannot be said to be the same as the certificate issuing entity. As it remains, these two appear to be understood as distinct entities in Aucsmith et al. The issuer entity refers to a certificate issuing authority, such as a credit card company or a company issuing identification badges. On the other hand, the point of sale terminal is understood in the art to be the point at which the sale takes place or the location of a transaction that necessitates the authentication of the certificate. Because the authentication of the certificate is performed by a point of sale terminal, the public key used to decrypt or encrypt the template is not different "depending upon the entity which executes authentication of a person".

For this reason, the Examiner has withdrawn the previous rejections and claim 1 is allowable. Claim 17 is allowable for the same reasons as claim 1.

The dependent claims are allowable because independent claims 1 and 17 are allowable.

Conclusion

4. Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571)272-3799.

The Examiner may also be reached through email through Thomas.Ho6@uspto.gov

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

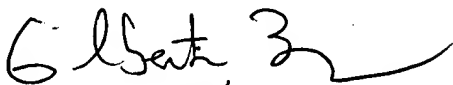
General Information/Receptionist Telephone: 571-272-2100 Fax: 571-273-8300

Customer Service Representative Telephone: 571-272-2100 Fax: 571-273-8300

TMH

November 1st, 2006

AU 2132


GILBERTO BARRON JR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100